

PLANNING & DEVELOPMENT COMMITTEE

At a meeting held on Thursday, 7 October 2010

Present:-

Councillor Mrs J E Mortimer (Chairman) in the Chair;
Councillors D L Billing, Mrs D Clegg, Mrs D V Cluer, J G Flinton, Mrs R Fox,
M J Jay-Hanmer, D C Jeffels, J M Preston, C E Ridley, K Riley, M Ward and
B F Watson

1. DECLARATIONS OF INTERESTS

Councillor Brian Francis Watson, declared a Personal and Prejudicial interest in agenda item 4, Outline Planning Application - (09/00717/OL) Land at High Mill Farm, Station Road, Scalby, as Mr Roger Steele, a part owner of the land, was a long standing friend.

Councillor Cecil E Ridley, declared a Personal and Prejudicial interest in agenda item 4, Outline Planning Application - (09/00717/OL) Land at High Mill Farm, Station Road, Scalby, as he had convened and chaired a meeting regarding this development and he lived 100 yards from the site.

Councillor David C Jeffels, declared a Personal and Prejudicial interest in agenda item 4, Outline Planning Application - (09/00717/OL) Land at High Mill Farm, Station Road, Scalby, as the tenant was a friend.

Note: Councillor Jeffels did not arrive at the meeting until 2pm by which time this matter had been decided.

Councillor Kevin Riley, declared a Personal and Prejudicial interest in agenda item 4, Outline Planning Application - (09/00717/OL) Land at High Mill Farm, Station Road, Scalby, as he lived on Station Road and his land backed onto the development site.

Councillor Brian Francis Watson, declared a Personal and Prejudicial interest in agenda item 5, Reserved matters Application - (10/00901/RM) 1A Station Avenue, Filey, as Mr Brian Thompson of the Ledden Thompson Partnership was his Godson.

2. MINUTES

RESOLVED that the minutes of the meeting held on 16 September 2010 be approved as a correct record and signed by the Chairman.

3. PUBLIC QUESTION TIME

The Chairman reported that no public questions had been received.

4. OUTLINE PLANNING APPLICATION - (09/00717/OL) LAND AT HIGH MILL FARM, STATION ROAD, SCALBY

The Committee considered:

- (i) an outline planning application for mixed use residential and employment development (B1), including provision of open space and access, for Provincial Land Developments Limited; and
 - (ii) a report by the Head of Regeneration & Planning (Reference 10/564).
- Members were advised that this was an outline planning application for 485 dwellings, up to 30 live/work units, 3,500 square metres of B1 (business use) floor space, a community building, 2.6 hectares of public open space and 6

hectares of ecological buffer. Thirty two responses had been received since the report was prepared objecting to the proposals including a letter from Mr Dixon of 24 Hillcrest Avenue advising among other points that he had not received the letter regarding the latest consultation. The majority of the letters reiterated previously noted objections but some identified new issues. The key or new issues raised included the revocation of Regional Spatial Strategy (RSS) on 6 July 2010 and its' housing supply requirement; a need to investigate alternative sites; the scale of opposition to this proposal; a lack of consultation on Millennium Field; the new government's proposals for greater localism; need to defer to take account of proposed new legislation; and the lack of public consultation on the Interim Housing Provision Paper (IHPP). A letter received from the Scalby Village Trust was also reported to the meeting which suggested; that the application should be considered on its' merits rather than housing need; the IHPP was more realistic than RSS; application did not comply with Planning Policy Statement 3 (PPS3) in terms of scale, density and infrastructure; correct procedures had not been followed in respect of Millennium Field; approval would pre-judge the Local Development Framework (LDF) and planning permission should be refused. Members were reminded that a lot of considerations, including flood risk, archaeology, ecology, visual landscape etc. remained unchanged from the original application. Transport issues had been agreed and the Highways Agency was now fully satisfied and the Section 106 agreement was finalised and just required signature. The interim emergency access was to be provided and cycle/pedestrian routes to the south to be in place at the occupation of the 150th dwelling rather than the 350th dwelling. There would be at least six rounds of consultation on the proposals before development commenced. Four rounds (including three by the Council) on the current application, at least one before and one during the Reserved Matters. Letters had been sent to all neighbours and previous objectors on 6 September, informing them that the application would be considered again by the Committee. The Localism Bill is not yet on the statute books and, as the content and start date were not yet known, this was not a reason to delay the decision on this application. The planning officer confirmed that there was no intention to dispose of the Millennium Field only to provide cycle/footpath across it. Following the government decision to revoke RSS the officer recommendation was still for approval in order to meet government guidance in PPS3 which had been reissued in June 2010 and was more recent than the Local Plan which dated from 1999. Under PPS3 a five year supply of qualitative housing mix is still required in suitable locations. Of the unimplemented permissions already granted a high proportion are for apartments with a shortage of family accommodation and affordable housing. The IHPP, which was agreed at the last meeting of the Committee, followed extensive public consultation on the Core Strategy. The growth strategy is focussed on the Scarborough area and projected a 24% increase between 2006-2026. This equates to 250-430 dwellings per year in years 1 to 5 of the period covered by the IHPP. The Section 106 agreement had been fully drafted and details were set out on page 26 of the report in Appendix 1 and included provision on site of 63 affordable housing units in Phase 1; implementation of a travel plan; a more regular bus service to serve the development; an improvement scheme for Scalby Road/Station Road junction; and financial contributions to local

primary school and surgeries. It was suggested that these would make a substantial contribution to local infrastructure and were fully justified having been considered against existing policies. The planning officer concluded that all issues had been considered and planning matters had been carefully examined and the Section 106 agreement and conditions secured the infrastructure improvements necessary for the development. The supply of land under the Local Plan was insufficient to satisfy PPS3 with other identified sites having more major obstacles and the planning officer recommended approval subject to the signing of the Section 106 agreement which would allow the Highways Agency to lift its holding Direction and subject to conditions outlined in the previous report which would need to be slightly amended to reflect the current report. Members were advised that there was no requirement to refer the decision to the government office on this occasion. In accordance with the Council's Public Speaking Scheme Mr Andrew Williamson, Partner, Walker Morris, spoke in support and Ms Caroline Pindar, Chairman of Scalby Village Trust, spoke against the application before the Committee commenced its debate of this item.

The planning officer reminded Members that they should make their decision based on the merits of the application measured against the criteria test in the Development Plan and government guidance. The current Development Plan consists of the 1999 Local Plan, but there is case law where more recent advice under PPS3 has been given significant weight. There is still a need to supply housing and there was a need to look not just at the merits of an application but at the framework of planning policies. Members asked for clarification on the financial contribution to the junction improvements and it was confirmed that £50,000 contribution was included in the Section 106 agreement. The proposed change to Condition 46 was also queried and Members were informed that reference to RSS Policy ENV5 would be removed and replaced by reference to the Council's Guidance on Renewable Energy. Members also requested reference be made to PPS1.

Members asked if the higher end of the IHPP range of 250-430 houses was required or would 250 dwellings per annum satisfy the housing need and the Forward Planning Manager responded advising that this site would still be required to reach the lower end of the range and it was necessary to consider the quality as well as the amount of land available for housing. The Planning Manager reminded Members that PPS3 required deliverable housing supply and that the existing supply could be challenged. Members commented on the need to take a Borough wide view of this issue and asked how many households were currently on the housing waiting list and were advised that this figure was almost 3,000 across the Borough and that average house prices at five times housing income. Members enquired about the provision of affordable housing within the scheme and were advised that a phased development was proposed with 50% affordable in Phase 1 and that in subsequent phases this was an issue to be considered in the Reserved Matters applications. Some Members who had voted against the development at the previous committee advised that they still had concerns about the site being outside development limits, concerns about the vehicular access from Station Road, the provision of only one access to the site and the impact on the infrastructure. The planning officer reiterated details of the Section 106 agreement and advised that the issue of delivery of affordable

housing would be subject to subsequent Reserved Matters applications and, if Members were not satisfied, they would have opportunity to refuse those applications in accordance with guidance and policies. The highways issues had been dealt with and the provision of an interim emergency access had been brought forward. Concerns regarding the impact on Station Road were discussed and the Planning Manager reminded Members that the site had been through a thorough sustainability assessment and would not have been included in LDF if the background work had not been done to establish that it was deliverable and the constraints here could be overcome. The need for a deliverable five year supply of housing land remained and there was also a need to consider the whole of the Borough when deciding where development should be located. Concerns regarding the layout of the site; the height of the houses on the highest point; land contamination and access issues were also raised and the Planning and Litigation Solicitor cautioned Members that they should restrict themselves to matters which had changed since the report was first considered i.e. the revocation of RSS and changes to PPS3. Approval was then proposed and seconded. Members were reminded that some of the conditions imposed on the previous consideration of the application would need to be amended and officers asked for delegated authority to make such amendments in consultation with the Chair and this was agreed.

RESOLVED that, third party representations having been considered, permission be **GRANTED** subject to the signature of the Section 106 agreement (the Heads of Terms of which are listed in appendix 1 of the Committee report); the lifting of the Article 14 Direction by the Highways Agency; and conditions as previously agreed by the Committee at the meeting dated 4 February 2010 to be amended in consultation with the Chair under delegated powers to reflect the officer's report and comments raised by Members of the Committee on 7 October 2010.

(In accordance with their declarations under Minute 1 above, Councillors Riley, Ridley and Watson left the meeting during the debate and determination of the above item.)

(Councillor Jeffels arrived after the start of the meeting, at 2pm, and did not take part in the debate and determination of this item.)

5. RESERVED MATTERS APPLICATION - (10/00901/RM) 1A STATION AVENUE, FILEY

The Committee considered:

- (i) a Reserved Matters application for two houses and 12 self-contained flats (originally approved under 07/01490/OL), for Ledden Thompson Developments Limited; and
 - (ii) a report by the Head of Regeneration & Planning (Reference 10/460).
- Members received an update from by the Planning officer who advised that Yorkshire Water had confirmed that they had no objections to the amended plans which had been received showing the sewer diversion to the west of the proposed building and that the revision number should be revised from A to B on Alan Woods and Partners Drawing number 30640/002 as received on 30 September 2010. An amendment was also required to the Proposed Elevation, Drawing number 10010/04 to include "but this shall be amended to include rear doors as added 16 September 2010". The amendments to condition 1 were agreed. Members asked about the Architectural Liaison

Officer's comment regarding the lack of an alley gate on the bin store passage way and were informed that direct access to the rear yard was now provided from all of the properties. A Member welcomed the development but commented that he would have preferred a crescent of town houses rather than flats.

RESOLVED that permission be **GRANTED**, subject to the following conditions:-

- 1 The development hereby approved shall be carried out in strict accordance with the following plans and documents unless otherwise amended by the following conditions or otherwise agreed in writing by the Local Planning Authority :-
Site Plans and elevations Survey as existing, Drawing number 10010/01 as received 12 May 2010
Proposed First and Second Floor Plans, Drawing number 10010/03 as received 12 May 2010
Proposed Elevation, Drawing number 10010/04 as received 12 May 2010 but this shall be amended to include rear doors as added 16 September 2010
Proposed Site Plan and Ground Plan with levels, Drawing number 10010/05 as revised and received 16 September 2010
Proposed Site Section Drawing number 10010/06 as received 16 September 2010
Site Levels Drawing number 10010/07 as received 16 September 2010
Design and Access Statement as received 12 May 2010
Alan Woods and Partners Flood Risk Assessment as received 12 May 2010
Alan Woods and Partners Drainage Issues statement as received 12 May 2010 and amended by Alan Woods letter of 10 September
Alan Woods and Partners Drawing number 30640/002 revision B as received 30 September 2010
D.E.R Horticultural Consultancy Letter of 17 August and Drawing number DER/117/A as received 3 September 2010 subject to amendments to ensure agreement with other approved plans.
Reason: In order to ensure the development is carried out in the form hereby approved.
- 2 Prior to the commencement of any works, unless otherwise agreed in writing by the Local Planning Authority, a full contaminated land report shall be submitted covering both the buildings, ground and any buried pipes or tanks and no demolition or ground disturbance works shall commence until such report has been agreed in writing by the Local Planning Authority. Thereafter, works shall be undertaken in accordance with the recommendations of the agreed report and associated plans and supplementary documentation.
Reason: To protect the public occupants and demolition contractor from any contaminants encountered in accordance with PPS23.
- 3 No dwelling shall be occupied until parking spaces of a size not less than 4.8 metres by 2.4 metres, including one garage or a car parking space capable of accommodating a garage have been provided in accordance with the standards set out in the North Yorkshire County Council Parking Design Guide within the curtilage of that dwelling or in

an alternative convenient location approved in writing by the Local Planning Authority Any garage shall then be positioned a minimum of 6 metres back from the highway boundary. Once created, these parking and garaging areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the site and visitors to it, in the interest of safety and the general amenity of the development and to comply with Policy T7 of the adopted Scarborough Borough Local Plan.

- 4 Prior to the commencement of any other part of the development hereby permitted, the accesses to the site shall be laid out and constructed in accordance with the following requirements:-
- (i) The crossing of the highway verge and/or footpath shall be constructed in accordance with the approved details and/or Standard Detail No. E6W and the Specification of the Local Highway Authority.
 - (ii) Any gates, barriers or other means of enclosure shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall open into the site.
 - (iii) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
 - (iv) Provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the Specification of the Local Highway Authority.
 - (v) Any access gates shall be made to open inwards only.

NOTE: The applicant should be advised that prior to any works commencing, permission is required from North Yorkshire County Council as the Local Highway Authority for all works within the public highway. The applicant should contact Highways North Yorkshire, Area 3 - Whitby Office, The Garth, White Leys Estate, Whitby, North Yorkshire, YO21 3PD (Tel: 0845 872 7374) which will provide the detailed constructional specification, list of approved contractors, forms, etc., referred to in the condition on their planning approval.

Reason: To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience.

- 5 Before any part of the development is first brought into use, the existing access to the garage and showroom shall be permanently closed off and the highway made good in accordance with the details that shall first have been approved in writing by the Local Planning Authority. After such closure, no new access shall be created without the prior approval of the Local Planning Authority.

Reason: In the interests of highway safety.

- 6 Prior to the first use of the development, the approved vehicle parking, manoeuvring, turning areas indicated on the submitted drawing (Ref: 10010/05), or such other drawing as may be approved in writing by the Local Planning Authority, shall be provided, laid out, hard surfaced,

drained, marked out and made available for use. Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle parking facilities with associated access and manoeuvring areas, in the interests of highway safety and the general amenity of the development.

7 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

- (i) The details of the required highway improvement works, over reconstruction of the footway to the entire front of the property, have been submitted to and approved in writing by the Local Planning Authority.
- (ii) A programme for the completion of the proposed works has been submitted.

NOTE: You are advised that a separate Agreement will be required from the Local Highway Authority in order to carry out works within the public highway. You should contract the Local Highway Authority to determine the requirements of this Agreement at an early stage.

Reason: To ensure that construction of the works is satisfactory, in the interests of the safety and convenience of highway users.

8 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewers which cross the site. Where agreement to building within 3.0 (three) metres is sought, structural details of foundations and relevant calculations shall be submitted for approval in writing by the Local Planning Authority.

Reason: In order to allow sufficient access for maintenance and repair work at all times and protection of infrastructure.

9 The site shall be developed with separate systems of drainage for foul and surface water on and off-site.

Reason: In the interests of satisfactory and sustainable drainage.

10 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development can be properly drained.

11 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

12 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in

accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment.

13 Prior to commencement of works above foundation level large scale construction details (at a minimum of 1:10) shall be submitted to show:-

- (i) decorative brickwork with stone details to cills, lintols, bay windows, copings and mullions;
- (ii) slate roofs with decorative barge boards and dormers, decorative brick eaves tabling;
- (iii) brick and stone boundary walls with intermediate piers and railings.
- (iv) bicycle storage facilities;
- (v) refuse storage facilities and screen fencing
- (vi) Window and door details

Reason: To ensure development of the form intended in submitted documents is implemented in compliance with Policies E5, E12 and H3 of the Scarborough Borough Local Plan.

14 No dwelling shall be brought into use until the following have been provided:-

- (i) bicycle storage for each house or flat;
- (ii) provisions for wheelchair and ambulant disabled;
- (iii) refuse storage facilities (and gated access from Granville Road).

Reason: To ensure facilities are provided in the form intended in the submitted Design and Access Statement and in order to comply with PPS1, PPG10, PPG13 and Policy H3 of the Scarborough Borough Local Plan.

15 Notwithstanding the submitted detail and before any development is commenced above foundation level, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of nine months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure landscaping is implemented in compliance with Policies E5, E12 and H3 of the Scarborough Borough Local Plan and as the submitted DER plan does not agree with the other approved plans.

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out without the prior written approval of the Local Planning Authority :-

- (i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
- (ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
- (iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows;
- (iv) the installation of satellite dishes.

Reason: To comply with Policy E12 of the adopted Scarborough Borough Local Plan.

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), no walls, fences or other means of enclosure shall be erected on the site without the prior written consent of the Local Planning Authority.

Reason: To comply with Policy E12 of the adopted Scarborough Borough Local Plan.

18 Before commencement of the development details of crime prevention measures and security lighting in accordance with the principles of "Crime Prevention Through Environmental Design" shall be submitted to and approved by the Local planning Authority, in liaison with North Yorkshire Police.

Reason: In the interests of public safety and to comply with policy H10 of the Scarborough Borough Local Plan.

19 No excavation or development shall take place on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: Extensive excavations are proposed and the site may be of archaeological interest so such a programme is required to comply with PPG16, Planning and Archaeology.

20 The lowest floor level shall be 600mm above the level of the adjacent highway channel.

Reason: to protect the occupants from flooding in accordance with the submitted flood risk assessment details.

21 Prior to the commencement of the development above foundation level details shall be submitted to and approved by the Local Planning Authority to demonstrate the means by which the environmental performance of the development will comply with the guidance contained on the Borough Council's policy document "Sustainable Buildings - Guidance for Developers". Unless otherwise agreed in writing by the Local Planning authority the development shall thereafter be constructed in accordance with the approved details.

Reason: In order to reduce the environmental consequences of the development and in particular carbon emissions.

(In accordance with his declaration under Minute 1 above, Councillor Watson left the meeting during the debate and determination of the above item)

6. PLANNING APPLICATION - (10/01556/FL) SCALBY LODGE FARM, BURNISTON ROAD, NEWBY

The Committee considered:

- (i) a planning application for permission to replace an extant planning permission relating to 07/02123/FL reuse of redundant farm buildings as rural workshops and office space, for Duchy Of Lancaster; and
- (ii) a report by the Head of Regeneration & Planning (Reference 10/534).

Members were informed that the Parish Council had no objections to the application and the Environment Agency had no objections but recommended conditions regarding surface water run off and details of existing and proposed site levels to ensure the development is clear of any flood risk. An additional condition was also required in respect of the revised layout plan showing the relocated parking to the side of the buildings. Members agreed that additional conditions should be added to address these issues. Members asked whether a height restriction should be included to prevent development above the height of existing buildings and were informed that the basis of the scheme was for traditional farm buildings to be two storey conversions with the two and a half storey sheds at the rear being replaced with new two storey brick and tile buildings which would be lower than the original. All of the proposed development would be within the envelope of the existing. Members requested that a condition requiring sustainable development be included and this was agreed. The majority of Members welcomed the application and the employment opportunities which could be generated.

RESOLVED that permission be **GRANTED**, subject to the following conditions and additional conditions agreed at the meeting:-

- 1 Before the commencement of work above foundation level, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and shall be approved in writing by the Local Planning Authority. Samples of the materials shall be provided as maybe required by the Local Planning Authority and the development shall be carried out in these.
Reason: In the interests of visual amenity to accord with Policy E12 of the adopted Scarborough Borough Local Plan.
- 2 Prior to the commencement of development above foundation level a one metre square freestanding panel of stonework showing the type of stone and stonework to be used in the construction of the development hereby permitted shall be constructed on site and approved in writing by the Local Planning Authority. All stonework to be used on the development shall match that of the approved panel in terms of the stone used and the coursing, jointing and mortar mix and finish, unless otherwise agreed in writing by the Local Planning Authority. The stone panel so constructed shall be retained on the site until the development hereby approved has been completed.
Reason: In the interests of visual amenity to accord with Policy E12 of the adopted Scarborough Borough Local Plan.
- 3 Before any development is commenced, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all trees, together with details of post planting maintenance. Such scheme as is approved by the Local

Planning Authority shall be carried out in its entirety within a period of nine months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity to accord with Policy E1 of the adopted Scarborough Borough Local Plan.

- 4 The development shall be carried out in accordance with the recommendations contained in the Ecological Survey and Assessment of Environmental Research and Advisory Partnership dated June 2007 which accompanied the original application ref 07/02123/FL.

Reason: In the interests of species protection.

- 5 Details of security measures to be installed, which shall include security lighting to cover all elevations of each building and a CCTV system to cover the access road and the south west car park outside the building complex shall be submitted to and shall be approved in writing by the Local Planning Authority, and the approved measures installed prior to occupation of the development.

Reason: In the interests of crime prevention.

- 6 No storage of materials, machinery, vehicles, waste or other items shall take place outside the buildings on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policy E1 of the adopted Scarborough Borough Local Plan.

- 7 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non – highway areas discharging onto the highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of highway safety.

- 8 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or deposition of materials on the site until the access has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:-

- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (ii) The crossing of the highway verge shall be constructed in accordance with the approved details shown on drwg no 5378-P-001 Rev B.

- (iii) Any gates or barriers shall be erected a minimum distance of 20 metres back from the carriageway of the existing highway and shall not be capable of swinging out over it.
- (iv) That part of the access extending 20 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Informative: You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Highway Authority will also be pleased to provide the constructional specification referred to.

Reason: In the interests of highway safety.

- 9 No part of the development shall be brought into use until the existing access onto Burniston Road has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority. After such closure, no new access shall be created without the prior approval of the Local Planning Authority.

Informative: These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.

Reason: In the interests of highway safety.

- 10 Prior to the first use of the development the approved vehicle parking, manoeuvring and turning areas indicated on drawing (no. S118.01.06) submitted with the original application no. 07/02123/FL shall be provided, laid out, hard surfaced, drained, marked out and made available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- Reason: In the interests of highway safety and the general amenity of the development.

- 11 Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles leaving the site shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before the development commences on site and be kept available in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal.

Reason: In the interests of highway safety.

- 12 There shall be no site clearance or demolition, excavation or deposition of material in connection with the construction of the access road or buildings or other works hereby permitted until a survey recording the condition of the existing highway has been carried out to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority.

Reason: In the interests of highway safety.

- 13 Any landscaping within the site shall be positioned and maintained such that it does not encroach on or over the adjacent highway.

Reason: In the interests of highway safety.

14 A 'Green Travel Plan' for each occupier of the site shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the site by that occupant. The plan shall set out proposals to positively encourage visitors and staff to travel to and from the site by alternative modes of transport to the private car, set out a timetable for its implementation and a programme and methodology for monitoring and review. The plan that is approved in writing by the Local Planning Authority shall be implemented in accordance with a timetable set out therein, unless the Local Planning authority gives its prior written consent to any variation. The Green Travel Plan will consider practical measures to provide employees with positive incentives to travel by bus or cycle.

Reason: To encourage or require travel to and from the site by means other than the private car, in accordance with Government Policy and in the interests of achieving a sustainable development.

7. PLANNING APPLICATION - (10/01610/LB) BASEMENT FLAT, 16 ST HILDA'S TERRACE, WHITBY

The Committee considered:

- (i) a planning application to replace window in bay with French doors, for Dr R Parkinson; and
- (ii) a report by the Head of Regeneration and Planning (Reference 10/562).

Members were informed that conflicting opinions had been received from Whitby Civic Society and Whitby Town Council recommended approval.

RESOLVED that Listed Building Consent be **GRANTED**, subject to consideration of any consultation responses received prior to 8 October 2010 and the following condition:-

- 1 Before the commencement of the development hereby permitted large scale plans (at a scale of at least 1:20) shall be submitted to and be approved in writing by the Local Planning Authority and no work shall commence in advance of that approval.

Reason: In the interest of the character and appearance of the Grade II* Listed Building and in accordance with PPS 5.

8. PLANNING APPLICATION - (10/00752/AA) WHITBY SPA PAVILION, NORTH TERRACE, WHITBY

The Committee considered:

- (i) a planning application for replacement of existing wooden/metal poster boards with new heritage style Ferracast lockable display boards with permanent venue information display, for Scarborough Borough Council; and
- (ii) a report by the Head of Regeneration and Planning (Reference 10/563)

Members were reminded that this application had been deferred from July to allow for relocation of the display boards and were informed that Whitby Town Council and Highways Authority had no objections.

RESOLVED that permission be **GRANTED** subject to consideration of any consultation responses received prior to 8 October 2010.

9. **CONFIRMATION OF TREE PRESERVATION ORDER - (10/01066/TCA)
WOODLAND, MOUNTSIDE, SCARBOROUGH**

The Committee considered a report by the Head of Regeneration and Planning (Reference 10/561).

Members were reminded of the additional information received in a letter from the owner dated 5 October and the report prepared by Martin Lloyd, the Council's Structural Engineer, which had been circulated to Members before the meeting. In accordance with the Council's Public Speaking Scheme Mrs Karen Webb, the Owner, spoke against the confirmation of the Order before the Committee commenced its debate of this item. A lengthy debate then followed with Members commenting that the willow tree was covered in ivy which smothers trees; the tree nearing the end of its useful life and the owner having to resort to artificial light during the day. The Planning Manager reminded Members that a Tree Preservation Order (TPO) does not mean the tree is preserved and if problems arose the TPO could be reviewed or removed but the TPO had been proposed as this willow added to the amenity of the area and there was no evidence of any problems at present. Members considered that the willow had been planted in the wrong place and, given the large number of trees in the vicinity; they did not agree that this specimen added significantly to the amenity of the area. Members objected to the implied threat regarding future damage to property and the Planning and Regulation Solicitor advised that the Council would not be responsible for such damage. This would be the owner's responsibility as she could carry out any necessary work and apply for a variation to the TPO if required. Members concluded that this specimen did not contribute significantly to the character of the area.

RESOLVED that, notwithstanding the Planning Manager's recommendation for confirmation, the Tree Preservation Order 2/2010 **NOT BE CONFIRMED** Members' reason for not confirming the TPO contrary to officer recommendation was that they did not consider that the contribution the willow tree made to the character and amenity of the area was significant and what contribution it did make was outweighed by the damage the tree is presently causing to the adjacent property and the probability that greater damage will occur in the future.

Chairman